

IC 13-20-5

Chapter 5. Requirements for Transporting Solid Waste to Final Disposal Facility

IC 13-20-5-1

Applicability of chapter

Sec. 1. This chapter does not apply to the disposal of solid waste by a person that:

- (1) generated the solid waste; and
- (2) disposes of the solid waste at a site that is:
 - (A) owned by the person; and
 - (B) limited, for purposes of the disposal of solid waste, to use by the person for the disposal of solid waste generated by the person.

As added by P.L.1-1996, SEC.10.

IC 13-20-5-2

Disposal; written statement requirement

Sec. 2. Upon transporting solid waste in a vehicle to a final disposal facility in Indiana for disposal, the operator of the vehicle shall present to the owner or operator of the facility the following:

- (1) A written statement that the owner or operator shall retain for one (1) year, in which the vehicle operator certifies, under oath or affirmation and subject to the penalty for perjury under IC 35-44-2-1, the:
 - (A) county in Indiana; or
 - (B) state, if a state other than Indiana;in which the largest part of the solid waste was generated.
- (2) If the largest part of the solid waste was generated in a state other than Indiana, a document in which an officer of a state or local government who has responsibility in the other state for the protection of public health or the environment certifies that the part of the solid waste generated in that state is not subject to regulation as:
 - (A) hazardous waste under the federal Solid Waste Disposal Act (42 U.S.C. 6901 et seq.); or
 - (B) infectious waste under IC 16-41-16.

As added by P.L.1-1996, SEC.10.

IC 13-20-5-3

Failure to submit written statement

Sec. 3. If the operator of a vehicle does not present a written statement to the owner or operator of a final disposal facility as required by section 2(1) of this chapter, the owner or operator may not permit the disposal in the final disposal facility of the solid waste transported in the operator's vehicle.

As added by P.L.1-1996, SEC.10.

IC 13-20-5-4

Inadequate written statement and certification

Sec. 4. If:

- (1) the operator of a vehicle presents the owner or operator of a final disposal facility with a written statement as required by section 2(1) of this chapter;
- (2) the written statement indicates that the largest part of the solid waste transported in the vehicle was generated in a state other than Indiana; and
- (3) the vehicle operator does not present the owner or operator with a document that meets the requirements set forth in section 2(2) of this chapter;

the owner or operator may not permit the disposal in the final disposal facility of the solid waste transported in the operator's vehicle.

As added by P.L.1-1996, SEC.10.

IC 13-20-5-5

County or state where waste generated

Sec. 5. For purposes of the collection of fees under IC 13-20-22, the county or state identified in the written statement presented under section 2(1) of this chapter with respect to a quantity of solid waste transported in a vehicle is considered the county or state in which the entire quantity of solid waste was generated.

As added by P.L.1-1996, SEC.10.

IC 13-20-5-6

Certification not required under certain circumstances

Sec. 6. A document referred to in section 2(2) of this chapter is not required from a vehicle operator who transports solid waste to a final disposal facility if:

- (1) the:
 - (A) county executive of the county; or
 - (B) board of directors of the solid waste management district;

in which the final disposal facility is located has entered into an agreement concerning solid waste management with a governmental unit that is, or that is located within, a county that is contiguous to Indiana but within another state;

- (2) the agreement provides for solid waste generated within that governmental unit to be disposed of in the final disposal facility without the need for a document referred to in section 2(2) of this chapter; and

- (3) the written statement presented by the vehicle operator under section 2(1) of this chapter certifies that the largest part of the solid waste in the vehicle was generated in that governmental unit.

As added by P.L.1-1996, SEC.10.

IC 13-20-5-7

Exemption from certification

Sec. 7. (a) A document referred to in section 2(2) of this chapter

is not required from a vehicle operator who transports solid waste to a final disposal facility if the solid waste is subject to an exemption issued by the commissioner under this section.

(b) The commissioner may exempt from the requirement set forth in section 2(2) of this chapter solid waste that is generated in a county that is contiguous to Indiana but within another state and that is transported into Indiana for final disposal by a particular person if the commissioner determines that the disposal of the solid waste in Indiana will not:

- (1) impair the long term disposal capacity of Indiana; or
- (2) impair the health and safety of the people of Indiana.

(c) A person that is a transporter or prospective transporter of solid waste may apply for an exemption under this section.

As added by P.L.1-1996, SEC.10.